

CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE
BY CITY UTILITIES COMMITTEE

02-0-0154

AN ORDINANCE AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS UNDER THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. § 32-3-1, ET SEQ. TO ACQUIRE A CERTAIN PARCEL OF LAND LOCATED NEAR THE INTERSECTION OF WELCOME ALL ROAD AND FAIRBURN ROAD, S.W., FOR THE PURPOSE OF CONSTRUCTING A WATER BOOSTER PUMP STATION; AND FOR OTHER PURPOSES

WHEREAS, by Ordinance 00-O-1143, the City of Atlanta previously ordained that a certain parcel of land ("Property") located near the intersection of Welcome All Road and Fairburn Road, S.W., Fulton County, Atlanta, Georgia, was needed to construct a booster pump station; and

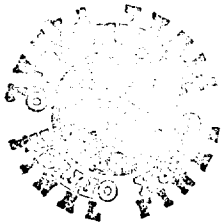
WHEREAS, the Director of the Bureau of Purchasing and Real Estate has been unable to successfully negotiate with the owner of the property for acquisition of the property; and

WHEREAS, accordingly, it is necessary to authorize the City Attorney to institute condemnation proceedings under the declaration of taking method in order to acquire the Property;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the public necessity for immediately acquiring the Property by the power of eminent domain to construct a booster pump station is declared; and, further, a finding is made that the circumstances are such that is necessary and appropriate to proceed with a condemnation action by use of declaration of taking as the method of condemnation, as authorized by O.C.G.A. § 32-3-1, *et seq.*, and use of the that method is authorized.

Section 2: That the City Attorney is authorized to institute condemnation proceedings in the name of the City of Atlanta under the declaration of taking method of condemnation for the acquisition of the Property, as authorized by O.C.G.A. § 32-3-1, *et seq.*, or such other methods as may be authorized by law, as deemed appropriate by the City Attorney.



Section 3: That the City Attorney is authorized and granted discretion to engage the services of outside attorneys and experts to assist with the condemnation of the Property.

Section 4: That the City Attorney is authorized and granted discretion to engage in such settlement discussions or settlement agreements with adverse parties in an effort to resolve or settle the condemnation case.

Section 5: That the Chief Financial Officer is authorized and directed to make all necessary and proper payments required in connection with the condemnation of the Property, including, but not limited to, payment for title searches, appraisals, surveys, attorney fees, other expert services, closing and/or condemnation actions.

Section 6: That costs associated with this project shall not exceed \$20,000 and will be charged to and paid from account number 2J26 574001 Q24J01029999.

Section 7: That all Ordinances or portions of Ordinances in conflict with this Ordinance are repealed.

A true copy,


Deputy Clerk

ADOPTED as amended by the Council
APPROVED by the Mayor

FEB 18, 2002
MAR 05, 2002

RCS# 3453
2/18/02
2:38 PM

Atlanta City Council

Regular Session

CONSENT I

Except:0151; 0204; 0235; 0238; 0259;
0260; 0255; 0205; 0206; 0207; 0208
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-O-0255
02-R-0204
02-R-0206
02-R-0235
02-R-0238

CORRECTED COPY

02/18/02 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 02-O-0151
2. 02-O-0162
3. 02-O-0239
4. 02-O-0188
5. 02-O-0189
6. 02-O-0269
7. 02-O-0259
8. 02-O-0260
9. 02-O-0154
10. 02-O-0156
11. 02-O-0157
12. 02-O-0158
13. 02-O-0148
14. 02-R-0201
15. 02-R-0202
16. 02-R-0236
17. 02-R-0205
18. 02-R-0207
19. 02-R-0208
20. 02-R-0195
21. 02-R-0196
22. 02-R-0234
23. 02-R-0241
24. 02-R-0210
25. 02-R-0211
26. 02-R-0212
27. 02-R-0213
28. 02-R-0214
29. 02-R-0215
30. 02-R-0216
31. 02-R-0217
32. 02-R-0218

**ITEMS ADVERSE ON
CONSENT AGENDA**

33. 02-R-0219
 34. 02-R-0220
 35. 02-R-0221
 36. 02-R-0222
 37. 02-R-0223
 38. 02-R-0224
 39. 02-R-0225
 40. 02-R-0226
 41. 02-R-0227
 42. 02-R-0228
 43. 02-R-0229
 44. 02-R-0230
 45. 02-R-0231
 46. 02-R-0232
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02-0-0154

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APPROVED BY:

REMEDIOS K. del ROSARIO, ADOPTED BY
COMMISSIONER, WATER DEPARTMENT
FEB 18 2002

COUNCIL
AS AMENDED

- ☒ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred 2/4/02
Referred To: City Utilities
Date Referred
Referred To:
Date Referred
Referred To:

Committee Chair
Date 2/13/02
Chairman
Referred to AS AMENDED

Committee
Date 2/13/02
Chair
Action:
Fav, Adv, Hold (see rev. side)
Other: AS AMENDED
Members
Refer To

Committee
Date
Chair
Action:
Fav, Adv, Hold (see rev. side)
Other:
Members
Refer To

FINAL COUNCIL ACTION

- ☒ 2nd
- ☐ 1st & 2nd
- ☐ 3rd
- Readings
- ☒ Consent
- ☐ V Vote
- ☐ RC Vote

CERTIFIED

CERTIFIED
FEB 18 2002

ATLANTA CITY COUNCIL PRESIDENT

Patricia W. Woodard

CERTIFIED
FEB 18 2002

Phyllis Dugan Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

Mayor's Signature
MAR 13 2002